

# TEXT AMENDMENT STAFF REPORT



Hearing Date: 4-21-16

Case File #: TA-16-04

General Description: Amend Article 5, Section 5.02; "Pre-Application Meeting and Sketch Plan".

☒ Town Initiated

☐ Citizen Initiated

Applicant(s): Town of Sunset Beach

## APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has initiated an application to amend Article 5 in the UDO related to providing proof of ownership at times of pre-application meetings for permits. This request is being initiated by Town Council for Planning Board consideration and recommendation. The concern from the Town Council was centered on the apparent need to provide proof of ownership of land before a permit would be issued to any applicant.

## STAFF COMMENTARY

Staff has reviewed the UDO for the appropriate sections to incorporate this language in the current code. Staff believes the most appropriate location is to place the standard in Article 5, "Project Review Process" and amend Section 5.02(A).

Town Council has provided the following proposed language for consideration of the Planning Board:

### **SECTION 5.02 PROOF OF LAND OWNERSHIP – FOR UNDEVELOPED PLATS.**

- (A) The Town of Sunset Beach shall require a "certificate of title" as proof of land ownership before issuing any permits for new construction. Structural improvements, renovations, remodeling or additions to existing structures are exempt from this requirement.

## DEPARTMENT OF PLANNING AND INSPECTIONS

After reviewing the UDO against the proposed language, Staff modified the proposed language to better fit into the format of the UDO to avoid creating potential inconsistencies or conflicts with subsequent sections. In addition, Staff has replaced “The Town of Sunset Beach” with the UDO Administrator as the official administrator of the ordinance to remain consistent with current wording format found in the ordinance. Staff is recommending the following language to the Planning Board for their review and recommendation.

### SECTION 5.02 PRE-APPLICATION MEETING AND SKETCH PLAN

(A) The **applicant** shall schedule a pre-application meeting with the **UDO Administrator** to review a Sketch Plan of the proposed **development**. The **UDO Administrator** shall require a certificate of title as proof of land ownership before issuing any permits for new construction. Structural improvements, renovations, remodeling or additions to existing structures are exempt from this requirement. The sketch plan shall include the following:

#### PROPOSAL

### PLANNING BOARD SUMMARY

#### Action:

The Planning Board finds that the proposed amendments to Unified Development Ordinance \_\_\_\_ is **X** is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed \_\_\_\_ Denied **X** (For **1** Against **3** Abstained \_\_\_\_)

**Commentary:** The Planning Board forwarded a “disapproved” recommendation for Town Council consideration. The primary items Planning Board cited as being the basis for their decision after discussion with Staff and the Town Attorney include:

1. The proposal being overly burdensome on property owners as a whole,
2. The proposal exposes the Town to legal issues and liability,
3. The Town has no jurisdiction to approve or deny true property ownership as per Legal Counsel.

DEPARTMENT OF PLANNING AND INSPECTIONS

**TOWN COUNCIL SUMMARY**

**Action:**

The Town Council finds that the proposed amendments to Unified Development Ordinance \_\_\_\_\_ **is** \_\_\_\_\_ **is not** consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed \_\_\_\_\_ Denied \_\_\_\_\_ (For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_)

**Commentary:**

The Town Council will consider recommendation during the May 2, 2016 meeting.